



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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18 July 2019

To,

**Mr. Khaleel Ahmed,**  
National Focal Point - Human Rights Defenders & Deputy Registrar  
National Human Rights Commission  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
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***Sub: HRD Alert - India -Urgent Appeal for Action–Brutal murder of indigenous tribal leader Sukhram Munda in Jharkhand - Regarding***

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the brutal murder of indigenous tribal leader Sukhram Munda in Kochan village at Khunti district in Jharkhand state of India by unidentified gunmen.

## **Status of Human Rights Defender:**

Sukhram Munda was the village panchayat leader of Kochangvillage in Khunti district, Jharkhand. He was fighting against illegal and forceful land acquisition of his village for establishing a permanent police camp. He was one of the leaders of the 'Pathalgadi Movement' (autonomous movement of Adivasis) in the state of Jharkhand.

## **Source of Information on the Incident:**

- Regional Coordinator HRDA for the East region
- Communication from social activists from the state of Jharkhand
- Media reports

**Perpetrators:**

- Officers-In-Charge of Khunti and Arki Police Stations in Jharkhand
- Unidentified assailants

**Date of Incident:**

July 6, 2019

**Brief History:**

Sukhram Munda was campaigning against the acquisition of 2.47 acres of land for establishment of a permanent police camp on the common land of the village. It will be pertinent to mention here that, he was under the police surveillance as the district administration had identified him as anti-state activist and had also filed four false cases against him in allegation of participating in the anti-national activities. On October 29, 2018, while he was returning home after participating in a seminar at Ranchi, the police took him into custody at Khunti and was forcibly taken to Khunti police station where the Officer-in-Charge (OIC) of Arki police station was also present. Both the OICs of Khunti and Arki police stations forced him to sign on the land acquisition papers of the village land. They threatened him to imprison in the false charges for participating in Pathalgadi movement, if he disobeys them. The policemen also threatened him that once he was imprisoned, he would never get out of the jail. Since he was already facing four false cases, therefore out of fear he signed on the land acquisition papers without his consent due to the intimidation of the police. Only after signing the papers he was released from the police station at 11 PM.

After this incident, Sukhram Munda met the District Land Acquisition Officer, who told him that the villagers have given their consent in the Gram Sabha. As he knew that that Gram Sabha resolution was totally false, he went to village and conducted series of meetings against the illegal land acquisition. He had also filed petitions under the Right to Information Act asking to provide him the documents regarding the alleged Gram Sabha resolution and land acquisition processes.

**Details of the Incident:**

As per the sources, on July 6, 2019, at about 7PM while Sukram Munda was at his hotel at Kochang Market area, two unidentified gunmen rushed towards him and fired at him from pointblank range and fled away from the place. Sukhram Munda died on the spot.

The National Human Rights Commission in this case is urged to set up a high-level independent enquiry into the day-light murder of Sukhram Munda, in which a conspiracy is assumed by the state authorities as he had no enemy except the state with whom he was in loggerhead with. He was pivotal in refusing to give 2.47 acre of community land for establishing permanent police camp and had resisted land acquisition through false Gram Sabha orders. Toward this he had also filed applications under Right to Information Act seeking details of the Gram Sabha resolution and land acquisition process. This action of Sukhram was of great implication as the state authorities would have been exposed in a big way and therefore leading to the possibility of murder of Sukhram by criminals in connivance of the state authorities.

It is further brought to the notice of the Commission that per the United Nations Declaration on Human Rights Defenders, State parties are under the duty to act with due diligence to prevent, investigate and punish any violation of the rights of the defenders. In other words, States should prevent violations of the rights of defenders under their jurisdiction by taking legal, judicial, administrative and all other measures and also should ensure investigation of alleged violations; prosecuting alleged perpetrators; and provide defenders with remedies and reparation. Incidents of acts of commissions or omissions which contravene the state's duty of due diligence include the failure to provide effective protection to defenders at risk. In the present case the state had failed to provide protection to Sukhram Munda who was already at risk which eventually led to his brutal murder.

Further under the Declaration, it is stated that in the context of human rights violations by third parties, the obligation to protect, first, involves ensuring that defenders do not suffer from violations of their rights by non-state actors. Failure to protect could, in particular circumstances, engage the state's responsibility. Even acts and omissions committed by non-state actors under the instructions, control or direction of the state can, under certain circumstances, give rise to state responsibility. Therefore, it is paramount that prompt and full investigations are conducted and perpetrators brought to

justice. Failure by state to prosecute and punish such perpetrators is a clear violation of Article 12 of the Declaration on Human Rights Defenders.

**Appeal:**

We, therefore urge your good office to immediately take necessary steps to ensure that;

- Order an immediate, independent and impartial investigation into brutal murder of Sukhram Munda.
- Ensure adequate protection to the family members and colleagues of Sukhram Munda who apprehend further chance of attack by the perpetrators.
- Ensure provision of reparation, compensation, apology to the family of the defender for the psychological sufferings that they are undergoing because of the threats, intimidation and harassment immediately and urgently.
- Put an end to all acts of attack and harassment of human rights defenders in the State of Jharkhand to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Jharkhand.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary